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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/498,618    02/07/00    ARAI

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EXAMINER

NGUYEN, C

ART UNIT

PAPER NUMBER

2775

DATE MAILED:

06/21/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/498,618

Applicant(s)

ARAI et al

Examiner

CHANH NGUYEN

Group Art Unit

2775

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 (THREE) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on February 7, 2000.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 16-20 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 16-20 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 2775

## **DETAILED ACTION**

### ***Response to Preliminary Amendment***

1. The amendment filed on February 7, 2000 has been entered and considered by Examiner.

### ***Information Disclosure Statement***

2. The references listed on the Information Disclosure Statement filed on February 7, 2000 have been considered by examiner; see attached PTO-1449.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Non-Statutory Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Art Unit: 2775

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 16-20 are rejected under the judicially created doctrine of double patenting over claims 1-6 of U. S. Patent No. 5,457,473 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: the claims of the patent define a display system including a processing unit or computer a communication and control circuit generating synchronization signal and the specification of the patent; specifically the specification associated with the computer system having an input unit, a memory, a processing unit and a display control unit as shown in figure 1.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2775

7. Claims 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Zenda (U.S. Patent No. 4,990,904 ) or Tomiyasu (U.S. Patent No. 5,138,305) .

As to claim 16, Zenda discloses a display unit which receives a video signal and a synchronization signal from a computer (e.g, video signal, horizontal sync, vertical sync as shown in figures 3 and 5), and which displays an image in accordance with the video signal and the sync signal on a screen; see column 3, lines 15-25. Zenda teaches an interface circuit which receives a control signal (e.g, a CGA or an EGA display mode write signal in AAS processing or “MASC GA”, “MASEGA” command signal) which is generated by a program that is previously programmed by a computer for operating a computer body; see column 3, lines 44-60 and column 4, lines 31-40. Zenda teaches a memory (e.g, RAM 5) storing control data concerning display control, the stored control data is read out by the control signal from the interface circuit; see column 3, line 67 through column 4, line 3. . Zenda teaches the displayed image adjusted in accordance with the control data which is read out from the memory (e.g, displayed image adjusted from 720 x 400 dots to 640 x 350 dots depending on different display modes); see column 2 lines 51 through column 3, line 14.

As to claim 19, this claim differs from claim 16 only in that the term “means” is additionally recited to the limitation “interface” and “memory”. The scope of claim 19 is substantially duplicate to claim 16; thus, it is analyzed as previously discussed with respect to claim 16 above.

Art Unit: 2775

As to claim 17, this claim differs from claim 16 in that the limitations "a video circuit" and "driving circuit" are additionally recited. These limitation reads on the CRT 23 as taught by Zenda.

Tomiyasu's device is similar to the device of Zenda which clearly teaches the limitations recited in claims 16-17 and 19.

As to claim 18 and 20, Zenda clearly teaches video signal carrying digital image data; see figures 3B.

***Inquiries***


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

CN

C. Nguyen  
June 16, 2000.

  
**CHANH NGUYEN**  
**PRIMARY EXAMINER**